

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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**Terry Leroy Morgan,**

**Civil No. 08-491 (PJS/JJG)**

Petitioner,

v.

**ORDER**

**Dwight Fondren,**

Respondent.

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This matter is before the undersigned on the report and recommendation of the United States Magistrate Judge. No objections have been filed to that report and recommendation in the time period permitted. Based on the report and recommendation of the Magistrate Judge, and being advised of all the files, records, and proceedings herein, **IT IS HEREBY ORDERED THAT:**

1. Mr. Morgan's petition for a writ of habeas corpus under 28 U.S.C. § 2241 (Doc. No. 1) is **DENIED AS MOOT.**
2. The Warden's motion to dismiss as moot (Doc. No. 8) is **GRANTED.**

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Dated October 9, 2008

s/Patrick J. Schiltz

Patrick J. Schiltz

United States District Judge